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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY  
IN REPLY REFER TO:

7310-15-1700A1

Honorable Newt Gingrich  
House of Representatives  
2428 Rayburn House Office Building  
Washington, D.C. 20515-1006

93-61

Dear Congressman Gingrich:

This is in response to your letter dated November 15, 1993, requesting information regarding an FCC rule making proceeding concerning use of the 902-928 MHz band. Your inquiry was prompted by correspondence from your constituent, Mr. P. Stuckey McIntosh, Chairman of Gambatte Digital Wireless, expressing concern about the future availability of this frequency band for use by manufacturers and users of Part 15 devices. The following is a brief description of the use of the 902-928 MHz band and a brief summary of the Notice of Proposed Rule Making adopted in this proceeding.

The 902-928 MHz band is shared by various user groups. In order to effectively manage the shared use of this spectrum, priorities for access to this band have been established among these groups. Users with lower priority must accept interference from and may not cause interference to users that have a higher priority. The 902-928 MHz band is primarily allocated for use by the Federal Government for Radiolocation, Fixed and Mobile services; these Federal Government users must, however, accept interference from Industrial, Scientific, and Medical (ISM) devices. Following both the Federal Government and ISM devices on the priority scale are Automatic Vehicle Monitoring (AVM) systems. Next are Amateur radio operators and finally, Part 15 users that are eligible to operate in this band. Because they have the lowest priority, Part 15 users must accept interference from and are not permitted to cause interference to any of the other users in this band. The order of priorities for users of this band has been in effect for nearly 20 years.

In PR Docket No. 93-61 the FCC has proposed certain changes to rules pertaining to AVM systems operating in the 902-928 MHz band. See, Notice of Proposed Rule Making, PR Docket No. 93-61, 8 FCC Rcd 2502 (1993). Uses for AVM systems include locating and tracking fleets of vehicles, locating stolen vehicles, alerting authorities to emergencies, automated toll collection, and freight tracking. Currently, such systems are licensed in the 904-912 and 918-926 MHz sub-bands. In PR Docket No. 93-61 the Commission proposes that such systems be licensed throughout the entire 902-928 MHz band and that they be permitted to locate persons as well as vehicles.

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Honorable Newt Gingrich

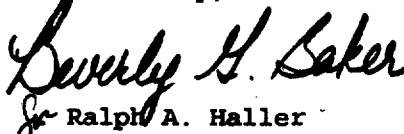
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The Commission also recognizes the difficulty various users, including your constituent, may have in sharing this band and have therefore requested comment on ways that sharing may be more easily facilitated. The Commission has not, however, proposed any changes in the status of or restrictions on the use of Part 15 devices in this band at this time.

Approximately 85 entities filed extensive comments expressing their viewpoints on how to resolve the various and complex issues raised in the Notice. Many commenters' views differ in a number of respects from those offered by the Commission, and the Commission gives full consideration to the views expressed by all interested parties. We are currently preparing a Report and Order that will establish the Commission's rules and policies with regard to AVM systems and hope to announce the adoption of this Report and Order in the near future.

I thank you for your interest in this matter. I trust this is responsive to your concerns.

Sincerely,

A handwritten signature in cursive script that reads "Beverly H. Baker". The signature is written in dark ink and is positioned above the typed name.

Ralph A. Haller

Chief, Private Radio Bureau

NEWT GINGRICH  
SIXTH DISTRICT, GEORGIA

THE REPUBLICAN WHIP

WASHINGTON OFFICE:  
2428 RAYBURN HOUSE OFFICE BLDG.  
WASHINGTON, DC 20515-1006  
(202) 225-4501



Congress of the United States  
House of Representatives  
November 15, 1993

3823 ROSWELL ROAD  
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MARIETTA, GA 30062  
(404) 565-6398

PRB  
ruler  
4797

Mr. James Quello  
Acting Chairman  
Federal Communications Commission  
1919 M Street NW  
Washington, D.C., 20554

Dear James:

I'm enclosing a copy of a letter I received from Stuckey McIntosh, Chairman of Gambatte Digital Wireless in Atlanta. As you can see, Mr. McIntosh is concerned about the FCC's proposed changes in the rules governing the Part 15 band.

I would appreciate your review of Mr. McIntosh's concerns.

If you have any questions, don't hesitate to contact me.

Sincerely,

Newt Gingrich

NG:gw  
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**Gambatte Digital Wireless**

1442 Tullie Road, NE  
Atlanta, GA 30329 USA  
Tel: (404) 325-4843 Fax: (404) 315-6809

October 28, 1993

Newt Gingrich  
United State House of Representatives  
Rayburn HOB 2428  
Washington, D.C. 20515



Dear Mr. Gingrich,

Founded in 1987, Gambatte is one of the oldest developers of spread spectrum products and technologies for consumer and commercial applications. Gambatte's technical expertise spans many disciplines: spread spectrum communications systems, RF design, receiver and transmitter design, digital communications, digital hardware, software, digital audio, telephony, and antenna design.

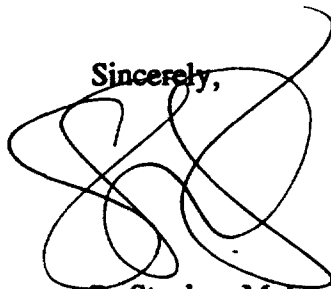
Several years ago the FCC encouraged entrepreneurial companies, like ours, to develop state-of-the-art technologies to operate "license-free" in the 900 MHz Part 15 band. Our company responded and today we employ 25 people in the district working directly on research, development, engineering and manufacturing of products based on U.S. technology. Now the FCC proposes to change the rules to the disadvantage of U.S. technology manufacturing firms and to the direct benefit of foreign technology and foreign manufacturers.

The FCC proposes to permit PacTel Teletrac to deploy high-powered, licensed technology (foreign developed) in over 60% of the spectrum currently occupied by Part 15 equipment. These changes, if implemented, will cause mutual interference to all Part 15 users as well PacTel customers. This interference will have a chilling effect on our marketplace and a corresponding effect on our business.

The Part 15 industry is made up generally of small U.S. domestic telecommunications manufacturing companies. It represents, nationwide, over 2 billion dollars in R&D investment, manufacturing and sales. The Commission's proposed action will seriously undermine this domestic industry. The impact on our company alone could result in loss of sales, reduction in work force, loss of existing R&D investment and loss of access to future capital.

In view of the importance of these issues, we request you contact the Chairman and Commissioners of the FCC and express your concern over this needless disruption of a vital industry. For your convenience, I've taken liberty to enclose a draft which you may wish to use.

Sincerely,

A large, stylized, handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**P. Stuckey McIntosh**  
Chairman

cc: Buck Clonts

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